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PRE-APPEAL BRIEF REQUEST FOR REVIEW		Docket Number (Optional)
		FR920000015US2
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		First Named Inventor Fernando Incertis Carro
		Art Unit 2176 Examiner Quoc A. Tran
Applicant requests review of the final rejection in the above-identified application No amendments are being filed with this request		
This request is being filed with a notice of appeal		
The review is requested for the reason(s) stated on the attached sheet(s) Note: No more than five (5) pages may be provided		
I am the		
<input type="checkbox"/>	applicant/inventor	<u>Kevin M. Mason</u> Signature
<input type="checkbox"/>	assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed (Form PTO/SB/96)	<u>Kevin M. Mason</u> Typed or printed name
<input checked="" type="checkbox"/>	attorney or agent of record Registration number <u>36,597</u>	<u>(203) 255-6560</u> Telephone number
<input type="checkbox"/>	attorney or agent acting under 37 CFR 1 34 Registration number if acting under 37 CFR 1 34 _____	<u>April 16 , 2007</u> Date
NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required Submit multiple forms if more than one signature is required, see below*.		
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This collection of information is required by 35 U.S.C. 132. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11, 1.14 and 41.6. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS SEND TO: Mail Stop AF, Commissioner for Patents, P O Box 1450, Alexandria, VA 22313-1450

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Patent Application

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Applicant(s): Fernando Incertis Carro
Docket No.: FR920000015US2
Serial No.: 10/786,201
Filing Date: February 25, 2004
10 Group: 2176
Examiner: Quoc A. Tran

Title: Method and System for Accessing Interactive Multimedia
Information or Services by Touching Marked Items on Physical
15 Documents

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MEMORANDUM IN SUPPORT OF
PRE-APPEAL BRIEF REQUEST FOR REVIEW

The present invention and prior art have been summarized in Applicant's prior responses. Claims 1-23 are presently pending in the above-identified patent application.

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STATEMENT OF GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

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Claims 1, 10, 12, 13, 20, and 23 are independent claims. Claims 1-23 are rejected under 35 U.S.C. §103(a) as being unpatentable over Robinson et al. (hereinafter, Robinson), "A Framework for Interacting with Paper," Eurographics 1997, Volume 16, Number 3 in view of Moran et al. (United States Patent Number 6,326,946 B1; hereinafter, Moran).

ARGUMENTS

Rejection of Independent Claims 1, 10, 12, 13, 20 and 23

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Independent claims 1, 10, 12, 13, 20, and 23 were rejected under 35 U.S.C. §103(a) as being unpatentable over Robinson in view of Moran. Regarding claim 1, the Examiner acknowledges that Robinson does not teach, but asserts that Moran teaches, "determining a position of a point pressed on a touch foil, the touch foil being

placed and aligned over or under the identified page of the physical document” (col. 6, lines 13-19) and identifying and accessing a service with a selected marked item (col. 2, line 50, to col. 3, line 3).

5 Each of Applicant’s independent claims requires the limitations of determining a position of a point pressed on a touch foil, the touch foil being placed and aligned over or under the identified page of the physical document, the identified page comprising one or more marked items, and the touch foil being pressed at a point corresponding to a selected marked item.

10 Applicant notes that Moran is directed to a physical information collage composed of components, such as documents, and operator icons “which may be used to provide digital services.” See, for instance, Abstract of Moran. While a document may be identified by the system as an object to operate on, Moran does *not* teach that an *item within the document* can be identified and/or used by the system as an operator icon. The Examiner points to col. 5, line 16, for the assertion that “Moran shows that individual 15 textual material and graphics, which are the main components of a document, may be selected.” In the cited text (col. 5, lines 10-29), Moran text states the following:

20 Collage components can include physical artifacts 32 positioned at defined spatial locations on the surface 30 (board 31 as shown). Physical artifacts 32 are typically documents 40 that may include but are not limited to paper based textual documents 41, small electronic display screens 36, or textual material 46 or graphical material 47 written directly on surface 30. Physical artifacts may also include wall mounted containers 38 having signaling lights 39, or attachable symbolic icons such as arrow 42. As will be appreciated, physical artifacts 32 typically include the various documents, notecards, calendars, task schedules, phone number lists, project proposals, informational flyers, meeting announcements, photographs, maps, keys, or magnetic icons commonly used to organize or disseminate information for individuals or groups. The physical artifacts can be permanently or detachably affixed by pins, 25 clips, adhesives, strings, or other fixatives to the surface 30, or may be simply rest upon the surface 30 in suitable embodiments (e.g. a tabletop 30 surface).

35 Applicant reads this cited text in Moran as indicating that textual material or graphical material can be a physical artifact, but Applicant submits that there is no indication in the cited text that items within a physical artifact can be used. Even if Moran can be considered to use a touch foil (and Applicant submits Moran does *not* disclose a touch

foil), Moran appears to determine position of physical artifacts 32 on the surface 30. By contrast, the present invention is directed toward determining marked items within identified pages of identified physical documents

Furthermore, Applicant's independent claims require "the touch foil being placed *and aligned* over or under the identified page of the physical document." In Moran, a user can move any physical artifact 32 to any position. Applicant respectfully submits that whatever "alignment" exists in Moran for a particular physical artifact 32 would be incorrect as soon as the document is moved, and Moran appears not to place any restrictions on movement of physical artifacts 32. In fact, Applicant respectfully submits that there is no alignment required in Moran between a touch foil and an identified page of a physical document. Conversely, Applicant's independent claims require that a touch foil is aligned over or under an identified page of the physical document.

Because neither Robinson nor Moran disclose the limitations of "determining a position of a point pressed on a touch foil, the touch foil being placed and aligned over or under the identified page of the physical document, the identified page comprising one or more marked items, and the touch foil being pressed at a point corresponding to a selected marked item," Applicant respectfully submits independent claims 1, 10, 12, 13, 20, and 23 are patentable over Robinson or Moran, alone or in combination.

Additionally, Applicant respectfully submits that one skilled in the art would *not* combine Robinson and Moran. Applicant's independent claims have limitations of identifying a selected marked item of an identified page of a physical document by referring to a hyperlink table. Regarding hyperlinks, Moran states the following (col. 7, line 57 to col. 8, line 5 of Moran):

To better illustrate operation of the present invention, consider an example scenario in which a team needs to review a web site they are constructing. To provide visual, readily alterable feedback, the team prints out 12x9 inch paper sheets illustrating pages from the web site. These are tacked on a wall to form an information collage board 31 such as discussed in connection with FIG. 1. The sheets are identified by cameras positioned near the board. *To make hypertext links, the team can use tack and strings to indicate hyperlinks.* During team discussions, it is decided to alter the link structure and add a couple of new pages. The tack

held strings are moved to indicate the link changes, while a couple of blank cards are tacked up to represent the new pages, with the content of those pages scribbled on the blank cards. String links to them are made to tie them into the web site.

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As the cited text indicates, Moran teaches to use *tack and strings to indicate hyperlinks* as opposed to identifying a selected marked item of an identified page of a physical document by referring to a hyperlink table. For sake of argument, even if Robison teaches of using hypertext or hyperlinks in reference to a “selected item of an 10 identified page of a physical document,” Moran teaches completely different techniques for indicating and using hyperlinks. Therefore, one skilled in the art would not be motivated to combine Robinson and Moran.

15 Applicant respectfully submits that independent claims 1, 10, 12, 13, 20, and 23 are patentable over Robinson or Moran, alone or in combination, and requests the rejection of the independent claims under 35 U.S.C. §103(a) be withdrawn.

Claims 9 and 22

Claims 9 and 22 were rejected under 35 U.S.C. §103(a) as being unpatentable over Robinson et al. in view of Moran et al. Regarding claim 9, the Examiner acknowledges that Robinson does not teach, but asserts that Moran does teach, 20 “a touch foil sensitive to pressure exercised over any point” (col. 6, lines 13-19).

Applicants note that claims 9 and 22 require wherein the touch foil comprises a transparent touch foil, the touch foil being placed and aligned over the identified page of the physical document. As noted above, Applicant submits that Moran does *not* disclose a touch foil, and Applicant respectfully submits that there is *no* alignment required in Moran between a touch foil and an identified page of a physical 25 document. Applicant also finds *no* disclosure or suggestion in Moran of a *transparent touch foil*.

Thus, Robinson or Moran, alone or in combination, do not disclose or suggest wherein the touch foil comprises a transparent touch foil, the touch foil being 30 placed and aligned over the identified page of the physical document, as required by claims 9 and 22.

Dependent Claims 2-9, 11, 14-19 and 21-22

Dependent claims 2-9, 11, 14-19, and 21-22 were rejected under 35 U.S.C. §103(a) as being unpatentable over Robinson et al. in view of Moran et al.

Claims 2-9, 11, 14-19, and 21-22 are dependent on independent claims 1, 5 10, 13, and 20, respectively. The dependent claims incorporate all elements of the independent claims from which they depend and are therefore patentably distinguished over Robinson and Moran (alone or in combination) for the reasons set forth above, as well as other elements these claims add in combination to their respective base claims.

10 All of the pending claims, i.e., claims 1-23, are in condition for allowance and such favorable action is earnestly solicited.

If any outstanding issues remain, or if the Examiner has any further suggestions for expediting allowance of this application, the Examiner is invited to contact the undersigned at the telephone number indicated below

The Examiner's attention to this matter is appreciated.

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Respectfully submitted,



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